

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JESSICA RAMSAY,**

**Plaintiff,**

**v.**

**NATIONAL BOARD OF MEDICAL  
EXAMINERS,**

**Defendant.**

**Civil Action No. 2:19-cv-02002-JCJ**

**DECLARATION OF BENJAMIN J. LOVETT, PH.D.**

I, Benjamin J. Lovett, declare as follows:

1. My name is Benjamin J. Lovett. I am over 18 years of age and, unless otherwise stated, I have personal knowledge of the matters addressed herein.

2. Through August 31, 2019, I am an Associate Professor of Psychology at the State University of New York (SUNY) at Cortland and an Adjunct Professor of Psychology at Syracuse University. As of September 1, 2019, I will be Associate Professor of Psychology and Education at Teachers College, Columbia University. I am a licensed psychologist. A true and correct copy of my curriculum vitae is attached at Tab A.

3. My professional expertise is in the diagnosis and management of neurodevelopmental conditions, particularly learning disabilities (LD) and Attention Deficit/Hyperactivity Disorder (ADHD). I have published numerous articles and book chapters on these topics. As part of my work, I frequently meet with young adults who have diagnoses of learning and attention problems, and I assess both their self-reported symptoms and their objective performance on various tests of cognitive, academic, and behavioral functioning.

4. Much of my research involves testing accommodations for students with disabilities, and the American Psychological Association has published a book that I co-authored on that topic, Testing Accommodations for Students with Disabilities: Research-Based Practice.

5. In addition to my faculty and research responsibilities, I have served as an independent reviewer for numerous organizations that administer or rely upon standardized tests, including the National Board of Medical Examiners (NBME), the National Board of Osteopathic Medical Examiners (NBOME), and the New York State Board of Law Examiners. For each of these organizations, among others, I have reviewed documentation submitted by examinees seeking testing accommodations based, at least in part, on ADHD and/or LD diagnoses.

6. It is a common practice for testing entities to seek input from external experts regarding disability-based requests for testing accommodations. The external professionals have expertise in the areas of impairment that provide the basis for an accommodation request. The external professionals are asked to review documentation submitted in support of an accommodation request and to advise on matters of disability assessment and diagnosis, the level of functional impairment experienced by an applicant, and the appropriateness of specific test accommodations in a given case. The practice of reviewing supporting documentation and providing an opinion based upon that documentation is both well established and, in my opinion, professionally sound.

7. For cognitive impairments, certain documentation is routinely anticipated (e.g., school records reflecting a learning disability or ADHD, or medical records on a brain injury), and reviewers will generally ask to have such materials submitted. By reviewing a complete historical record, an evaluator can determine the extent to which objective evidence supports the

disability diagnosis and demonstrates that the individual is substantially limited in one or more major life activities.

8. I was asked by NBME to review Jessica Ramsay's request for 100% extra time (i.e., double the amount of standard testing time) accommodations on Step 1 of the USMLE in December 2018. At that time, I concluded that there was insufficient evidence to support Ms. Ramsay's diagnoses of learning disabilities or ADHD or to support any accommodations based on those disorders, and I prepared a report for NBME based on my review of this information. A true and correct copy of my report is attached at Tab B. The documents that I reviewed are listed on page one of the report. I have reviewed this report and reaffirm my belief in the conclusions expressed in the report.

**Ms. Ramsay's Learning Disability Diagnosis**

9. The current official diagnostic criteria for LD require that someone have academic skills that are below the average range for age expectation and that cause problems performing in real-world settings. These academic skill weaknesses would have been present in the person's childhood and would not be better accounted for by other factors (e.g., general low intelligence). Typically, young adults with valid LD diagnoses can point to evidence of their disorder that includes report cards from their K-12 schooling showing low grades or other indicia of poor performance in the area of their LD (e.g., reading), special education records showing the specialized instruction and related services they were provided, and reports from professional evaluations showing below-average scores on diagnostic achievement tests in the area of their LD.

10. When applicants request testing accommodations, it is also helpful to review their history of taking other timed standardized tests, and whether they tested with or without

accommodations. A consistent history of receiving accommodations throughout one's educational history is evidence that generally supports the need for such accommodations. Conversely, past performance on such tests where the applicant did *not* receive accommodations provides evidence regarding the individual's ability to read, concentrate and think in the specific context of taking a standardized test and may support the conclusion that accommodations are not needed.

11. In Ms. Ramsay's case, two important pieces of information in her record are her score reports from the Medical College Admission Test (MCAT) and the ACT.

12. The MCAT is a rigorous admission test taken by those applying for entry into medical school. The test has a strict time limit, and Ms. Ramsay took the test without any accommodations. One of the MCAT sections, "Verbal Reasoning," involves reading passages and answering questions about the passages under the applicable strict time limit. According to the documents that I reviewed, Ms. Ramsay's Verbal Reasoning score on the MCAT fell in the 67th percentile — better than most medical school applicants taking that test (a group that is well above-average to begin with, compared to the general population).

13. Similarly, according to the documents that I reviewed, Ms. Ramsay reportedly performed well above the average range (between 27 and 30) on the ACT without accommodations.

14. Ms. Ramsay offered the following explanation for her performance on the MCAT and ACT without accommodations in her Personal Statement to NBME:

Because reading and writing are such tedious and draining processes for me, I avoid both as much as possible. I was able to do this strategically for some prior standardized tests like the ACT and MCAT because the tests were designed so that many of the questions could be answered without reading the whole question. For the ACT, I was not able to read all of the questions and could not accurately demonstrate my knowledge.

Additionally, due to the guessing penalty, I had to leave the questions I was not able to read unanswered. However, because most of the questions required little reading to find the answers, I was able to answer enough questions to achieve an acceptable score. Likewise, for the MCAT, many of the questions could be answered without reading and gathering information from the passages, so I knew to answer passage-independent questions first, and then used any time left to try to read the passages with the most unanswered questions remaining. Being able to skip much of the reading made [it] possible for me to correctly answer enough questions to achieve an acceptable score.

15. Respectfully, based on my clinical and research experience and general awareness of the content of the MCAT and ACT examinations, this explanation is not credible. Although it is common for students to read test questions and answer options first and then search for relevant information in the corresponding passage, this still requires a significant amount of reading under time-pressured conditions. Without reading at least a substantial portion of the passages, it is highly unlikely that an examinee could answer many questions correctly. It is also my understanding that the test items in the MCAT Verbal Reasoning section generally ask for students to identify or interpret themes, perspectives, and arguments from a passage. In my opinion, an examinee could not consistently find the correct answers to questions in this section of the test without referencing the passage. Finally, although Ms. Ramsay refers to her ACT and MCAT scores as “acceptable,” her performance on the ACT was in fact better than the vast majority of her peers, and her MCAT performance was better than that of most medical school applicants—a high-achieving group to begin with. These test scores, obtained without accommodations, are not consistent with someone who is unable to read and comprehend text under time pressure.

16. Because learning disabilities are neurologically based, lifelong impairments, they would be expected to cause significant problems in school during childhood. No records were submitted to NBME showing that Ms. Ramsay experienced difficulties in school. Her evaluator,

Dr. Robert Smith, reported reviewing Ms. Ramsay's report cards for grades K, 2, 3, 4, 5, and 6 as well as her high school and college transcripts, and concluded that "the available school records do not clearly reflect academic struggles in elementary, middle, or high school." (Evaluation at 2, 29). Ms. Ramsay and her mother apparently reported that Ms. Ramsay received informal accommodations some of the time in school and specialized help from the family at home, but there are no records of this, and it is not clear why or how often informal accommodations were provided (if they were in fact provided).

17. According to the records submitted to NBME, Ms. Ramsay also completed diagnostic evaluations in 2014, 2017, and 2018.

18. A key indicator of learning disabilities is academic skills that are significantly below average. According to the documents that I reviewed, in the 2014 and 2017 evaluations, Ms. Ramsay's evaluators did not perform comprehensive assessments of her academic skills and did not adequately evaluate her academic skills under time-pressured conditions. Nevertheless, all of her academic skills scores as measured in those evaluations were in the average range or above.

19. According to the documents that I reviewed, after Ms. Ramsay's request for extended time accommodations was twice denied by NBME, she underwent another diagnostic evaluation in 2018 with Dr. Robert Smith. During that evaluation, she was given several measures of academic skills that were time-pressured, and her scores reflected low performance in several areas. I understand that Dr. Smith is emphasizing in this litigation specific results including the following:

- a. An Oral Reading Fluency score in the 1st percentile on the Wechsler Individual Achievement Test-3rd Edition (WIAT-III).

b. A Reading Rate Cluster score of 66 at the 1st percentile on the Woodcock Johnson IV Tests of Achievement (WJ4).

c. A Gray Oral Reading Test-5th Edition (GORT-5) Fluency score at the 2nd percentile.

20. Respectfully, these scores are not credible. These extremely low scores would superficially suggest that Ms. Ramsay's reading skills are worse than those of almost anyone else (except for 1 or 2% of the population). Reading skills at that level are fundamentally contradicted by Ms. Ramsay's academic history and her performance on standardized tests such as the ACT and MCAT.

21. On the timed reading comprehension task from the Nelson-Denny Reading Test (NDRT), Ms. Ramsay's score was at the 2nd percentile, at the estimated level of a child in eighth grade. Respectfully, Dr. Smith appears to have been inappropriately credulous by accepting Ms. Ramsay's NDRT score as valid and by his claim that Ms. Ramsay can employ special strategies to perform well on the extremely challenging MCAT but not on the NDRT, a test developed to be accessible even to high school students.

22. In my opinion, the 2018 testing data reported by Dr. Smith regarding Ms. Ramsay's academic skills under timed conditions are not credible. They are squarely contradicted by Ms. Ramsay's average and above average scores on the ACT and MCAT, with no accommodations, and by her apparent excellent grades in high school and in college (even before documented accommodations were provided in the latter). Ms. Ramsay's performance on the ACT and MCAT reflects her ability to access timed, unaccommodated, high-stakes examinations that require reading abilities under real-world conditions. The scores that Ms. Ramsay obtained on the ACT and MCAT would not be obtained by someone with timed reading comprehension skills typical of a student in elementary or middle school.

23. According to the documents that I reviewed, Dr. Smith argues that the diagnostic test scores that Ms. Ramsay obtained during his evaluation can be trusted because she performed well on the Test of Memory Malingering (TOMM). The TOMM, however, was developed to identify people feigning or exaggerating *memory* problems, not to identify people working slowly on academic tests or reporting more ADHD symptoms than they actually experience. The TOMM is not designed to measure speed, so a client may do very well on the TOMM while still obtaining scores on timed diagnostic tests that are not reflective of full effort and motivation. Respectfully, Dr. Smith's reliance on the TOMM performance apparently led him to be far too credulous of Ms. Ramsay's evaluation data, especially given the stark contrasts between her real-world performance in school and on the ACT and MCAT compared to her performance during his evaluation.

24. Performance Validity Tests (PVTs) are assessment tools that are designed to ensure that a client (here, Ms. Ramsay) is putting forth sufficient effort and appropriate motivation during an evaluation. There are PVTs other than the TOMM that Dr. Smith could have administered to provide a more relevant measure of Ms. Ramsay's motivation in taking her 2018 diagnostic tests. Some PVTs are designed to measure speed, which would specifically address the situation in which the individual is being evaluated because he or she is seeking extended time accommodations. Dr. Smith did not administer any of these types of PVTs.

#### **Ms. Ramsay's ADHD Diagnosis**

25. The current official diagnostic criteria for ADHD require that someone have unusually high levels of symptoms of inattention and/or hyperactivity/impulsiveness that begin in childhood (by age 12), occur across settings, and interfere with real-world functioning. In addition, the symptoms should not be better explained by a different disorder (e.g., an anxiety



disorder). Typically, young adults with valid ADHD diagnoses can point to evidence of their disorder that includes ratings of their symptoms by other parties who know them well (e.g., parents, friends, significant others), documented problems in school (e.g., low grades, problem behavior, or difficulty completing tasks and complying with teacher requests), and significant difficulties with current everyday life responsibilities that most people in the general population can successfully perform.

26. According to the documents that I reviewed, there is not clear, consistent evidence of ADHD from Ms. Ramsay's clinical evaluations. Ms. Ramsay also has not provided real-world records (e.g., school records, teacher comments, work evaluations) showing significant ADHD symptoms or related functional impairment in school or work settings.

27. Dr. Smith diagnosed Ms. Ramsay with ADHD in his 2018 evaluation. There is, however, no objective evidence that Ms. Ramsay "has a long history of inattention, distractibility and hyperactivity that have significantly interfered with academic functioning since early childhood," as Dr. Smith states in his report. (Report at 28). As discussed above, there is no objective evidence in the record that Ms. Ramsay experienced any interference in any of her academic functioning. The limited records that were provided instead reflect consistent and strong academic functioning.

28. Beyond academic problems, I would expect someone with untreated ADHD (Ms. Ramsay was not diagnosed with ADHD as a child) to exhibit significant impairment in social and everyday life settings as a child. Ms. Ramsay has claimed such impairments and her mother also made such claims, but there is no objective record of such impairment. When Ms. Ramsay was a child in the 1990s, ADHD was a well-known condition. I would expect there to be a record of consultations with a physician or mental health practitioner during childhood given the

level of impairment during this time now reported by Ms. Ramsay and her mother. But there is no such record here.

29. In her 2018 evaluation, after having been denied accommodations by NBME, Ms. Ramsay claimed to have almost every possible symptom of ADHD, and her mother and fiancé also described her as having many symptoms of ADHD, well above the clinical thresholds for the disorder. I do not find these reports to be credible, given the lack of objective evidence of any issues of inattention or distractibility in school or other settings during Ms. Ramsay's primary and secondary school years (remembering that ADHD is a neurodevelopmental disorder with childhood onset), and the discrepancy between these reported symptoms and the lack of objective records showing poor performance as an adult in real-world settings where most people in the general population can perform well.

30. According to the documents that I reviewed, on a computerized test of ADHD symptoms that Dr. Smith administered to Ms. Ramsay (the IVA+Plus Continuous Performance Test),<sup>1</sup> her performance was extremely poor. The test generates many scores, and for each score, average performance is 100, and the vast majority of people (about 98%) obtain scores of 70 or above. All of Ms. Ramsay's scores from this test mentioned in Dr. Smith's report are below 70. (Report at 12-14). This is a highly unusual result, suggesting much worse performance than I would expect even if someone had verified ADHD. When Ms. Ramsay took a similar continuous performance test in 2017 as part of her evaluation with Dr. Lewandowski (the Conners

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<sup>1</sup> Continuous performance tests (CPTs) administer a series of game-like tasks that are designed to measure an individual's ability to maintain attention over time and carefully choose when to respond and when not to respond to visual or auditory stimuli. For example, one CPT task flashes a series of digits, one at a time, on an electronic display, and the examinee is instructed to press a button every time a "1" is followed by a "9." The test machine records the number of correct responses, incorrect responses, and failures to respond.

Continuous Performance Test, Third Edition), her scores were all in the normal range, with the exception of one mildly abnormal score. Dr. Smith did not address this performance discrepancy in his report.

**Disability Status and Testing Accommodation Needs**

31. As discussed above, there is insufficient credible evidence that Ms. Ramsay has a learning disability or ADHD. For similar reasons, there is insufficient evidence that Ms. Ramsay is disabled within the meaning of the Americans with Disabilities Act.

32. Individuals who are substantially limited in a major life activity due to an LD or ADHD generally have extensive documentation in their academic and/or employment histories, and in their medical records, reflecting such substantial limitations, because both categories of impairment have childhood onsets. There are many such students in our schools today with learning disabilities and/or ADHD, and they commonly have school records from early grades forward that show the extent of their skill deficits (in reading, writing, or math) and/or behavior problems. It is typical for students with a reading disorder or other LD and students with ADHD to have an historical record of their disability and resulting impairment.

33. Here, there is insufficient evidence that Ms. Ramsay is substantially limited in her ability to read or engage in any other activity that is relevant to taking the USMLE, when she is compared to most people in the general population, at least with regard to LD/ADHD issues. There are no historical school or work records reflecting such limitations. Although at times Ms. Ramsay has obtained scores during diagnostic evaluations that would superficially suggest possible substantial limitations, those scores (and other evidence from the diagnostic evaluations) are not supported by—and are often inconsistent with—other important evidence, including her performance on real-world timed tests that required significant amounts of reading.

34. There is also insufficient evidence that Ms. Ramsay requires any accommodations to access the USMLE, at least due to LD/ADHD issues (as opposed to the physical conditions that she mentions in her documentation). Given her performance on other, similar high-stakes standardized tests, including the ACT and the MCAT, there is insufficient credible evidence of deficits in Ms. Ramsay's access skills (e.g., timed reading comprehension and concentration) relative to most people in the general population, that would make accommodations appropriate.

35. Although it may seem puzzling for evaluators to ignore real-world evidence that suggests diagnostic test scores to be untrustworthy, research has shown that many evaluators view their role as helping a client to secure accommodations.<sup>2</sup> This sometimes results in evaluators focusing on specific diagnostic results in their reports while de-emphasizing or ignoring other results, dismissing real-world academic and standardized testing performance for reasons that are not credible, or failing to evaluate whether a client is attempting to maximize his or her performance when being evaluated.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 30, 2019.

  
Benjamin J. Lovett, Ph.D.

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<sup>2</sup> See Gordon, M., Lewandowski, L., Murphy, K., & Dempsey, K., "ADA-based accommodations in higher education: A survey of clinicians about documentation requirements and diagnostic standards," *Journal of Learning Disabilities*, 35(4), 357-363 (2002). For a more recent study with similar findings, see Harrison, A.G., Lovett, B.J. & Gordon, M., "Documenting disabilities in postsecondary settings: Diagnosticians' understanding of legal regulations and diagnostic standards," *Canadian Journal of School Psychology*, 28(4), 303-322 (2013).

**TAB A**

## Benjamin J. Lovett, Ph.D.

### **Address before September 1, 2019:**

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### **Current Appointments:**

Associate Professor of Psychology, SUNY Cortland, Cortland, NY  
Adjunct Professor of Psychology, Syracuse University, Syracuse, NY

### **Licensure:**

Psychologist (New York State) – License #020865

### **Education:**

Ph.D. in School Psychology, 2007  
Syracuse University, Syracuse, NY  
(APA-Accredited Program)

M.S. in Psychology, 2005  
Syracuse University, Syracuse, NY

B.A. in Psychology, 2002, *summa cum laude*, with honors in psychology  
Minor in Educational Policy Studies  
Pennsylvania State University, University Park, PA

### **Previous Academic and Clinical Appointments (selected):**

*July 2007 – June 2014*

Associate Professor of Psychology, Elmira College, Elmira, NY  
(Assistant Professor of Psychology from July 2007 to June 2013)

*August 2006 – June 2007*

School Psychology Intern, Jamesville-DeWitt Schools  
Psychological Evaluator, Elmcrest Children's Center

*September 2005 – June 2006*

Psychology Extern, Jamesville-Dewitt Middle School

*September 2003 – December 2005*

Senior Research Analyst, Dept. of Psychiatry, SUNY Upstate Medical University  
(ADHD Clinic Coordinator, from 2003 to 2004)

*Summers 2000 - 2003*

Instructional Staff, Center for Talented Youth, Johns Hopkins University  
(Instructor for 2003; Teaching Assistant from 2000 to 2002)

**Publications – total  $N = 83$ , and as of 6/1/19, an  $h$  index of 24 (2404 total citations)**

**Publications: Book ( $n = 1$ )**

1. **Lovett, B. J., & Lewandowski, L. J.** (2015). *Testing accommodations for students with disabilities: Research-based practice*. Washington, DC: American Psychological Association Press.

**Publications: Peer-Reviewed Journal Articles ( $n = 54$ )**

2. Harrison, A. G., **Lovett, B. J.**, Keiser, S., & Armstrong, I. (in press). Learning disability documentation submitted by osteopathic medical students. *Applied Neuropsychology: Adult*.
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16. **Lovett, B. J.**, & Leja, A. M. (2015). ADHD symptoms and benefit from extended time testing accommodations. *Journal of Attention Disorders*, 19, 167-172.
17. **Lovett, B. J.**, Nelson, J. M., & Lindstrom, W. (2015). Documenting hidden disabilities in higher education: Analysis of recent guidance from the Association on Higher Education and Disability (AHEAD). *Journal of Disability Policy Studies*, 26, 44-53.
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19. **Lovett, B. J.** (2014). Testing accommodations under the amended ADA: The voice of empirical research. *Journal of Disability Policy Studies*, 25, 81-90.
20. Sparks, R. S., & **Lovett, B. J.** (2014). Learning disability documentation in higher education: What are students submitting? *Learning Disability Quarterly*, 37, 54-62.
21. Harrison, A. G., **Lovett, B. J.**, & Gordon, M. (2013). Documenting disabilities in postsecondary settings: Diagnosticians' understanding of legal regulations and diagnostic standards. *Canadian Journal of School Psychology*, 28, 303-322.
22. Lewandowski, L. J., Cohen, J., & **Lovett, B. J.** (2013). Effects of extended time allotments on reading comprehension performance of college students with and without learning disabilities. *Journal of Psychoeducational Assessment*, 31, 326-336.
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26. **Lovett, B. J., & Sparks, R. S.** (2013). The identification and performance of gifted students with learning disabilities: A quantitative synthesis. *Journal of Learning Disabilities*, 46, 304-316.
27. **Sparks, R. S., & Lovett, B. J.** (2013). Applying objective diagnostic criteria to students in a college support program for learning disabilities. *Learning Disability Quarterly*, 36, 231-241.
28. **Jordan, A. H., Lovett, B. J., & Sweeton, J. L.** (2012). The social psychology of interracial interactions: Implications for culturally competent practice. *Journal of Multicultural Counseling and Development*, 40, 132-143.
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35. **Hood, S. B., & Lovett, B. J.** (2010). Network models of psychopathology and comorbidity: Philosophical and practical considerations. *Behavioral and Brain Sciences*, 33, 159-160.
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41. **Sparks, R. S., & Lovett, B. J.** (2009). Objective criteria for classification of postsecondary students as learning disabled: Effects on prevalence rates and group characteristics. *Journal of Learning Disabilities*, 42, 230-239.
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51. Lovett, B. J. (2006). The new history of psychology: A review and critique. *History of Psychology*, 9, 17-37.
52. Lovett, B. J., & Lewandowski, L. J. (2006). Gifted students with learning disabilities: Who are they? *Journal of Learning Disabilities*, 36, 515-527.
53. Lovett, B. J. (2005). A defense of prudential moralism. *Journal of Applied Philosophy*, 22, 159-168.
54. Lovett, B. J., & Jordan, A. H. (2005). Moral values, moralism, and the 2004 presidential election. *Analyses of Social Issues and Public Policy*, 5, 165-175.
55. Akin-Little, K. A., Eckert, T. L., Lovett, B. J., & Little, S. G. (2004). Extrinsic reinforcement in the classroom: Bribery or best practice? *School Psychology Review*, 33, 343-361.

**Publications: Contributions to Edited Books (n = 17)**

56. Lovett, B. J., & Nelson, J. M. (in press). Assessment in educational settings. In J. A. Suhr & M. Sellbom (Eds.), *Cambridge Handbook of Clinical Assessment and Diagnosis*. New York: Cambridge University Press.
57. Lovett, B. J., & Kilpatrick, D. A. (2018). Differential diagnosis of SLD [Specific Learning Disability] versus other difficulties. In D. P. Flanagan & V. C. Alfonso (Eds.), *Essentials of specific learning disability assessment* (2<sup>nd</sup> ed., pp. 549-571). Hoboken, NJ: Wiley.
58. Lewandowski, L. J., Lovett, B. J., & Gordon, M. (2016). Measurement of symptom severity and impairment. In S. Goldstein & J. A. Naglieri (Eds.), *Assessing impairment: From theory to practice* (2<sup>nd</sup> ed., pp. 229-245). New York: Springer.
59. Lovett, B. J., Gordon, M., & Lewandowski, L. J. (2016). Legal conceptions of impairment: Implications for the assessment of psychiatric disabilities. In S. Goldstein & J. A. Naglieri (Eds.), *Assessing impairment: From theory to practice* (2<sup>nd</sup> ed., pp. 125-139). New York: Springer.
60. Lovett, B. J., & Spenceley, L. A. (2016). Use of the Woodcock-Johnson IV in the diagnosis of specific learning disabilities in adulthood. In D. P. Flanagan & V. C. Alfonso (Eds.), *WJ-IV clinical use and interpretation: Scientist-practitioner perspectives* (pp. 253-270). Cambridge, MA: Academic Press.

61. Gordon, M., Lewandowski, L. J., & **Lovett, B. J.** (2015). Assessment and management of ADHD in educational and workplace settings in the context of ADA accommodations. In R. A. Barkley (Ed.), *Attention-Deficit Hyperactivity Disorder: A handbook for diagnosis and treatment* (4<sup>th</sup> ed., pp. 774-794). New York: Guilford.
62. Lewandowski, L. J., & **Lovett, B. J.** (2014). Learning disabilities. In E. J. Mash & R. A. Barkley (Eds.), *Child psychopathology* (3<sup>rd</sup> ed., pp. 625-669). New York: Guilford.
63. **Lovett, B. J.**, & Hood, S. B. (2014). Comorbidity in child psychiatric diagnosis: Conceptual complications. In C. Perring & L. Wells (Eds.), *Diagnostic dilemmas in child and adolescent psychiatry* (pp. 80-97). New York: Oxford University Press.
64. Eckert, T. L., & **Lovett, B. J.** (2013). Principles of behavioral assessment. In D. H. Saklofske, C. R. Reynolds, & V. L. Schwane (Eds.), *Oxford Handbook of Child Psychological Assessment* (pp. 366-384). New York: Oxford University Press.
65. Ferrier, D. E., **Lovett, B. J.**, & Jordan, A. H. (2011). Construct-irrelevant variance in achievement test scores: A social cognitive perspective. In L. E. Madsen (Ed.), *Achievement tests: Types, interpretations, and uses* (pp. 89-108). Hauppauge, NY: Nova Science.
66. Lewandowski, L. J., **Lovett, B. J.**, & Gordon, M. (2009). Measurement of symptom severity and impairment. In S. Goldstein & J. Naglieri (Eds.), *Assessment of impairment: From theory to practice* (pp. 5-14). New York: Springer.
67. **Lovett, B. J.** (2009). The science of cheating: A psychologist's perspective. In T. Twomey, H. White, & K. Sagendorf (Eds.), *Pedagogy, not policing: Positive approaches to academic integrity at the university* (pp. 43-48). Syracuse, NY: Syracuse University Press.
68. **Lovett, B. J.**, Gordon, M., & Lewandowski, L. J. (2009). Measuring impairment in disability evaluations: Legal and ethical issues. In S. Goldstein & J. Naglieri (Eds.), *Assessment of impairment: From theory to practice* (93-103). New York: Springer.
69. Jordan, A. H., & **Lovett, B. J.** (2008). Self-theories of intelligence: Implications for school psychology. In D. H. Molina (Ed.), *School psychology: 21st century issues and challenges* (pp. 345-355). Hauppauge, NY: Nova Science.
70. Lewandowski, L. J., & **Lovett, B. J.** (2008). Introduction to neuropathology and brain-behavior relationships. In L. C. Hartlage & R. C. D'Amato (Eds.), *Essentials of neuropsychological assessment: Treatment planning for rehabilitation*. (2<sup>nd</sup> ed., pp. 31-55).
71. Eckert, T. L., **Lovett, B. J.**, Rosenthal, B. D., Jiao, J., Ricci, L. J., & Truckenmiller, A. J. (2006). Class-wide instructional feedback: Improving children's academic skill

development. In S. V. Randall (Ed.), *Learning disabilities: New research* (pp. 167-185). Hauppauge, NY: Nova Science Publishers.

72. Gordon, M., Barkley, R. A., & **Lovett, B. J.** (2006). Tests and observational measures. In R. A. Barkley (Ed.), *Attention-Deficit Hyperactivity Disorder: A handbook for diagnosis and treatment*. (3rd ed., pp. 369-388). New York: Guilford.

**Publications: Articles in Newsletters and Magazines, and Invited Articles (n = 11)**

73. **Lovett, B. J.**, & Harrison, A. G. (2019). Forensic thinking in disability assessment: An introduction to a special issue. *Psychological Injury and Law*, 12, 1-6.
74. Spenceley, L. M., **Lovett, B. J.**, & Lewandowski, L. J. (2017). Assessing response validity: For SAT accommodation requests and beyond? *New York School Psychologist*, 35, 41-43.
75. Lewandowski, L. J., Wood, W. L. M., & **Lovett, B. J.** (2016). Sluggish cognitive tempo in college students: Now you see it, now you don't. *ADHD Report*, 24(1), 1-5.
76. Nelson, J. M., **Lovett, B. J.**, & Lindstrom, W. (2015). Assessing, documenting, and accommodating ADHD in college students. *ADHD Report*, 23(6), 7-11.
77. Lewandowski, L. J., & **Lovett, B. J.** (2014). The new *Diagnostic and Statistical Manual of Mental Disorders, DSM-5*: Implications for accommodations requests. *Bar Examiner*, 83(1), 42-54.
78. **Lovett, B. J.** (2013). Who needs more time (on tests)? *Better: Evidence-Based Education*, 5(3), 14-15.
79. **Lovett, B. J.** (2011). The divorce of behavior analysis and psychology: Think of the children! (*APA*) *Division 25 Recorder*, 39(1), 4-6.
80. **Lovett, B. J.** (2011). Extended time testing accommodations: What does the research say? *NASP Communiqué*, 39(8), 1, 14-15.
81. **Lovett, B. J.**, Lewandowski, L. J., & Miller, L. (2010). Auditory processing disorder and ADHD: What's the relationship? *ADHD Report*, 18(3), 7-11.
82. Lewandowski, L. J., **Lovett, B. J.**, Gordon, M., & Antshel, K. M. (2006). The case for clinical impairment in the DSM-V criteria for ADHD. *ADHD Report*, 14(6), 8-16.
83. **Lovett, B. J.**, & Gordon, M. (2005). Test score discrepancies as a basis for the assessment of learning disabilities and ADHD. *ADHD Report*, 13(3), 1-4.

### **Work in Progress**

Hothersall, D., & Lovett, B. J. (in preparation). *History of psychology*. [Book manuscript, under contract with Cambridge University Press]

Lovett, B. J., & Spenceley, L. M., & Lewandowski, L. J. (in preparation). Symptom and performance validity: Implications for school-based psychoeducational assessments.

Lovett, B. J., & Nelson, J. M. (in preparation). Adult ADHD: Recent findings and controversies.

Lovett, B. J., Nelson, J. M., & Peck, J. A. (in preparation). Should ADHD evaluations be conducted while a client is on ADHD medication?

Lovett, B. J., & Lewandowski, L. J. (in preparation). Measuring trait distractibility in college students.

### **Book, Film, and Test Reviews (selected):**

Lovett, B. J. (2019). Review of the book *Learning disabilities: From identification to intervention*. *NASP Communiqué*, 47(7), 38.

Lovett, B. J. (2017). Review of the book *Psychological and psychoeducational assessment of deaf and hard of hearing children*. *Journal of Psychoeducational Assessment*, 35, 807-810.

Lovett, B. J. (2013, January). Review of the film *The D Word*. *The School Psychologist*, 67(1), 81-83.

Lovett, B. J. (2011, August 9). Review of the book *The Science of ADHD*. *Metapsychology Online Reviews*, 15(32).

Lovett, B. J., & Johnson, T. L. (2010). Review of the test *SCAN-3*. *Journal of Psychoeducational Assessment*, 28, 603-607.

Lovett, B. J. (2010, April 13). Review of the book *Treating ADHD and comorbid disorders*. *Metapsychology Online Reviews*, 14(15).

Lovett, B. J. (2007, March 27). Review of the book *The Last normal child: Essays on the intersection of kids, culture, and psychiatric drugs*. *Metapsychology Online Reviews*, 11(13).

Lovett, B. J. (2005). Review of the book *Assessment for intervention*. *NASP Communiqué*, 34(4), 13

**Invited Talks (selected):**

- Lovett, B. J.** (2019, April). "Anxiety and Discomfort during Testing: A Cause for Accommodations?" Invited talk given at the Educational Testing Service, Princeton, NJ.
- Lovett, B. J.** (2018, May). "Testing Accommodations: From Research to Practice." Invited talk given at the Winsor School, Boston, MA.
- Lovett, B. J.** (2017, December). "Test Anxiety and the ADA." Invited talk given at the National Board of Medical Examiners, Philadelphia, PA.
- Lovett, B. J.** (2017, October). "Speededness: What is it Good For?" Invited talk given at the Time Limits and Testing Conference, Philadelphia, PA.
- Lovett, B. J.** (2017, April). "Testing Accommodations for Students with Disabilities: Myth, Reality, and Practice." Invited talk given to the New Jersey Principals and Supervisors Association, Monroe, NJ.
- Lovett, B. J.** (2017, March). "Test Anxiety: Assessment, Documentation, Accommodations?" Invited talk given at the High-Incidence Disabilities in Higher Education conference, Toronto, ON.
- Lovett, B. J.** (2016, October). "Psychoeducational Assessment: An Integrated Clinical-Forensic Perspective." Invited talk given at the Southern Ontario Regional Assessment and Resource Centre, Kingston, ON.
- Lovett, B. J.** (2016, May). "Testing Accommodations: From Research to Practice." Invited talk given at Academics West, New York, NY.
- Lovett, B. J.** (2016, May). "The Science and Ethics of Testing Accommodations." Invited talk given at the Masters School, Dobbs Ferry, NY.
- Lovett, B. J.** (2016, March). "Testing Accommodations for Students with Disabilities: Research-Based Practice." Invited talk, given with L. J. Lewandowski, at the Fayetteville-Manlius Central School District, Fayetteville, NY.
- Lovett, B. J.** (2016, March). "Developments in Testing Accommodations Research: A Year in Review." Invited talk given at the Association of American Medical Colleges, Washington, DC.
- Lovett, B. J.** (2015, November). "Putting the History of Psychology into Introductory Psychology." Invited talk given to Syracuse University Project Advance, New York, NY.
- Lovett, B. J.** (2015, October). "Testing Accommodations for Students with Disabilities: Research-Based Practice." Invited talk, given with L. J. Lewandowski, at the convention of the New York Association of School Psychologists, Verona, NY.



- Lovett, B. J.** (2015, October). "Testing Accommodations for People with Disabilities: Research-Based Practice." Clinician's Corner Webinar, given at the headquarters of the American Psychological Association, Washington, DC.
- Lovett, B. J.** (2015, August). "Testing Accommodations for People with Disabilities: Research-Based Practice." Continuing Education Workshop, with L. J. Lewandowski, given at the convention of the American Psychological Association, Toronto, ON.
- Lovett, B. J.** (2015, March). "Testing Accommodations for Students with High-Incidence Disabilities: Research Informing Practice." Invited talk given to the Department of Counseling and Educational Psychology, University at Albany, SUNY, Albany, NY.
- Lovett, B. J.** (2015, March). "Extended Time Requests on the MCAT: The Need for Rigorous Review." Invited talk given at the American Association of Medical Colleges, Washington, DC.
- Lovett, B. J.** (2014, August). "Testing Accommodations for Students with Disabilities: Research-Based Practice" Continuing Education Workshop, with L. J. Lewandowski, given at the convention of the American Psychological Association, Washington, DC.
- Lovett, B. J.** (2013, November). "Should Medical Licensure Exams Be Timed?" Invited talk given at the National Board of Medical Examiners, Philadelphia, PA.
- Lovett, B. J.** (2013, November). "The Advantages and Disadvantages of Timed Tests." Invited talk given at the Research Advisory Forum of the National Board of Osteopathic Medical Examiners, Conshohocken, PA.
- Lovett, B. J.** (2013, May). "Auditory Processing Disorders: From Research to Practice: The View from School Psychology." Invited talk given to the National Centre for Audiology, London, Ontario.
- Lovett, B. J.** (2013, April). "Learning Disabilities and the Use of Expert Consultants." Invited talk given (with Dr. Lawrence Lewandowski) to the National Conference of Bar Examiners, Boston, MA.
- Lovett, B. J.** (2012, October). "The Science of Testing Accommodations for Students with Disabilities." Invited talk given to the Psychology Department at Suffolk University, Boston, MA.
- Lovett, B. J.** (2012, August). "Testing Accommodations: From Research to Practice." Invited talk to be given at the meeting of the College Board's Office of Services for Students with Disabilities, Seattle, WA.
- Lovett, B. J.** (2012, May). "Classroom Management: A Behavioral Perspective." Invited talk to student-teachers currently in school-based practica at Elmira College, Elmira, NY.



- Lovett, B. J.** (2012, May). "Testing Accommodations for Students with Disabilities: Research-Based Practice." Invited talk at the conference High-Incidence Disabilities in Higher Education: Current Issues and Best Practices, Toronto, ON.
- Lovett, B. J.** (2012, March). "The Psychology of Accomplishment." Invited talk given to the Elmira College Chapter of Phi Beta Kappa, Elmira, NY.
- Lovett, B. J., & Sparks, R. S.** (2011, December). "Gifted Students with Learning Disabilities: Implications for Testing Accommodations." Invited talk given to the National Board of Medical Examiners, Philadelphia, PA.
- Lovett, B. J.** (2011, April). "The Science and Ethics of Accommodating Employees with Psychiatric Disabilities." Invited talk given at the Tuck School of Business, Dartmouth College, Hanover, NH.
- Lovett, B. J.** (2010, October). "Diagnosing Learning Disabilities in Postsecondary Students." Invited talk given to the Southern Ontario Regional Assessment and Resource Centre, Huntsville, Ontario.
- Lovett, B. J., & Sparks, R. S.** (2009, November). "Gifted Students with Learning Disabilities: Current Concepts and Controversies." Invited talk at the Test Agencies Disability Forum, Educational Testing Service, Princeton, NJ.
- Lovett, B. J., & Johnson T. L.** (2009, October). "Auditory Processing Disorder: An Applied Primer for School Psychologists." Invited talk to the Psychology Department, Syracuse University, Syracuse, NY.
- Lovett, B. J.** (2007, March). "Testing Accommodations for Students with Disabilities: Asking the Hard Questions." Presentation to the Jamesville-DeWitt School District, Jamesville, NY.
- Lovett, B. J.** (2005, November). "Putting Statistics into Introductory Psychology: Activities that Work." Presentation to Syracuse University's Project Advance, New York, NY.
- Lovett, B. J.** (2005, October). "Direct Observation: The Royal Road to Child Psychiatric Diagnosis?" Presentation at Child Psychiatry Grand Rounds, Department of Psychiatry, SUNY Upstate Medical University, Syracuse, NY.

**Refereed Conference Presentations (selected):**

- Carter, L., & Lovett, B. J.** (2019, March). Separate room testing accommodations for students with and without ADHD. Poster presented at the Eastern Psychological Association convention, New York, NY.

- Johnson, T. L., **Lovett, B. J.**, & White, E. (2018, November). SLP hearing screening: Variability in accuracy and consistency. Poster presented at the convention of the American Speech-Language-Hearing Association, Boston, MA.
- Nelson, J. M., & **Lovett, B. J.** (2018, August). Data discrepancies and poor symptom validity in ADHD evaluations of college students. Presented at the annual meeting of the American Psychological Association, San Francisco, CA.
- Lovett, B. J.**, Carter, L., & Porto, A. (2018, March). Predictors of timed test performance in students with disabilities. Poster presented at the Eastern Psychological Association convention, Philadelphia, PA.
- Wood, W. L. M., Spenceley, L. A., Scott, M., Marshall, E., & **Lovett, B. J.** (2018, February). Assessment of effort: WJ IV COG clusters as embedded validity indicators. Poster presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Johnson, T., **Lovett, B. J.**, & Dillmuth-Miller, S. (2016, November). Attitudes towards noise exposure: CSD vs. non-CSD students. Poster presented at the convention of the American Speech-Language-Hearing Association, Philadelphia, PA.
- Lovett, B. J.**, & Nelson, J. M. (2016, June). Test anxiety: Assessment, Documentation, and Management. Paper presented at the University of Connecticut Center for Postsecondary Education and Disability Postsecondary Training Institute, Philadelphia, PA.
- Wood, W., Lewandowski, L. J., & **Lovett, B. J.** (2016, February). Contrasting the impairment profiles of sluggish cognitive tempo and ADHD. Poster presented at the convention of the National Association of School Psychologists, New Orleans, LA.
- Lovett, B. J.**, Drymond, M., & Vita, L. (2015, March). Determinants of college students' time needed to complete a test. Poster presented at the convention of the Eastern Psychological Association, Philadelphia, PA.
- Potts, H. E., Lewandowski, L. J., & **Lovett, B. J.** (2015, February). Can we predict time needed on a reading comprehension test? Poster presented at the convention of the National Association of School Psychologists, Orlando, FL.
- Potts, H. E., Wood, W. L., Lewandowski, L. J., & **Lovett, B. J.** (2015, February). Does sluggish mean slower test performance? A pilot study. Poster presented at the convention of the National Association of School Psychologists, Orlando, FL.
- Spielberger, S., Lewandowski, L. J., **Lovett, B. J.**, & Potts, H. E. (2015, February). Effects of expressive writing on test anxiety and classroom tests. Poster presented at the convention of the National Association of School Psychologists, Orlando, FL.
- Wood, W. L., Lewandowski, L. J., & **Lovett, B. J.** (2014, February). Impairment and executive

functioning associated with sluggish cognitive tempo. Poster presented at the convention of the National Association of School Psychologists, Washington, DC.

- Sparks, R. S., & **Lovett, B. J.** (2013, November). Examining documentation and applying objective diagnostic criteria to college students in a learning disability support program. Paper presented at the Convention of the International Dyslexia Association, New Orleans, LA.
- Leja, A. M., & **Lovett, B. J.** (2013, February). Extended time testing accommodations: Do ADHD symptoms matter? Poster presented at the convention of the National Association of School Psychologists, Seattle, WA.
- Johnson, T. L., **Lovett, B. J.**, Widen, S., & Amsterdam, R. (2012, March). Attitudes towards hearing protection among U.S. college students. Poster presented at the convention of the Pennsylvania Speech-Language-Hearing Association, Lancaster, PA.
- Lewandowski, L., **Lovett, B. J.**, Panahon, C. J., Lambert, T., & Systma, M. R. (2012, February). Test accommodation preferences in college students. Poster presented at the convention of the National Association of School Psychologists, Philadelphia, PA.
- Lovett, B. J.**, Fredericks, D., Leja, A., & Sparks, R. S. (2012, February). Gifted students with learning disabilities: A quantitative synthesis. Poster presented at the convention of the National Association of School Psychologists, Philadelphia, PA.
- Sparks, R. S., & **Lovett, B. J.** (2011, November). The identification and performance of gifted students with learning disabilities: A quantitative synthesis. Poster presented at the convention of the International Dyslexia Association, Chicago, IL.
- Johnson, T. L., **Lovett, B. J.**, Kingman, R., & Cronin, C. (2010, November). The measurement of auditory processing: Does presentation level affect performance? Poster presented at the convention of the American Speech-Language-Hearing Association, Philadelphia, PA.
- Lovett, B. J.**, & Johnson, T. L. (2010, March). Auditory processing disorder: A role for the school psychologist. Paper presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Cohen, J. A., Lewandowski, L. J., & **Lovett, B. J.** (2010, March). Differences between extended time allotments for learning disabled college students. Poster presented at the convention of the National Association of School Psychologists, Chicago, IL.
- Hendricks, K., Lewandowski, L. J., & **Lovett, B. J.** (2010, March). The use of Testtracker for students with ADHD. Poster presented at the convention of the National Association of School Psychologists, Chicago, IL.

- Lovett, B. J., & Hood, S. B.** (2009, November). Realism and operationism in psychiatric diagnosis. Paper presented at the convention of the Florida Philosophical Association, Gainesville, FL.
- Lovett, B. J., Ells, L., & Lewandowski, L. J.** (2008, November). Why do you think you need extra time? Poster presented at the convention of the New York Association of School Psychologists, Rochester, NY.
- Berger, C., Lewandowski, L. J., **Lovett, B. J.**, Gathje, R. A., & Cohen, J. A. (2008, February). Writing on a computer: No longer a testing accommodation. Poster presented at the convention of the National Association of School Psychologists, New Orleans, LA.
- Lovett, B. J.**, Lewandowski, L. J., Kleinmann, A. E., & Rogers, C. R. (2007, March). Testing accommodations for students with disabilities. Symposium presented at the convention of the National Association of School Psychologists, New York, NY.
- Berger, C., Gathje, R. A., Lewandowski, L. J., **Lovett, B. J.** (2007, March). Extended time and laptop format as accommodations for written language tests. Poster presented at the convention of the National Association of School Psychologists, New York, NY.
- DiGennaro, F. D., & **Lovett, B. J.** (2006, May). Is punishment effective? Is it ethical? Views of ABA members. Poster presented at the convention of the Association for Behavior Analysis, Atlanta, GA.
- Eckert, T. L., **Lovett, B. J.**, & Jiao, J. (2006, March). Does performance feedback serve as reinforcement? Poster presented at the convention of the National Association of School Psychologists, Anaheim, CA.
- Lewandowski, L. J., Sheffield, R., & **Lovett, B. J.** (2006, March). "Symptomatic" versus "impaired": Which is more important in ADHD diagnosis? Paper presented at the convention of the National Association of School Psychologists, Anaheim, CA.
- Lewandowski, L. J., Parolin, R., **Lovett, B. J.**, & Gordon, M. (2006, March). Effects of extended time on math performance for students with ADHD. Poster presented at the convention of the National Association of School Psychologists, Anaheim, CA.
- Lovett, B. J.**, & Lewandowski, L. J. (2005, March). The gifted/learning disabled child: A critique of current assessment practices. Poster presented at the convention of the National Association of School Psychologists, Atlanta, GA.
- Lovett, B. J.**, & Stawski, R. S. (2004, November). Ergodicity in psychoeducational assessment. Paper presented at the Gardner Conference on Measurement and Statistics, Auburn, NY.
- Lovett, B. J.**, & DiGennaro, F. D. (2004, May). Punishment and aversive interventions, 1980-2000: Change and continuity. Poster presented at the convention of the Association for Behavior Analysis, Boston, MA.

**Courses Taught:**

*Undergraduate Level*

Introductory Psychology  
Abnormal Psychology  
Child Psychopathology  
Personality Psychology  
Health Psychology  
History and Systems of Psychology  
Psychological Testing  
Research Methods in Psychology  
Educational Psychology  
Psychology of Children with Exceptionalities  
Assessment of Students with Disabilities  
Psychology of Learning  
Applied Behavior Analysis  
Introduction to School Psychology  
Psychology of Intelligence and Creativity  
Seminar: The Psychology of Moral Judgment  
Seminar: Great Experiments in Psychology  
Seminar: Controversies in Child Psychopathology  
Applying Research Methods in Psychology: ADHD  
Supervised Research Experience in Psychology  
Interdisciplinary Freshman Core Course: Order & Chaos

*Graduate Level*

Statistics in Educational Research  
Applied Behavior Analysis  
History and Systems of Psychology

**Masters Thesis Committee Service:**

Kaitlin Hendricks (Syracuse University, 2010)  
Justin Cohen (Syracuse University, 2010)  
Whitney Wood (Syracuse University, 2013)  
Stephanie Spielberger (Syracuse University, 2015)  
Heather Potts (Syracuse University, 2016)

**Doctoral Dissertation Committee Service:**

Mara Jane Schutz (University of NewCastle, 2008)  
Kaitlin Hendricks (Syracuse University, 2013)  
Laura Miller (Syracuse University, 2014)  
Whitney Wood (Syracuse University, 2015)

**Editorial Review Work:**

Editorial board member, *Journal of Psychoeducational Assessment* (2007 - Present)

Editorial board member, *Journal of School Psychology* (2011 - 2014)

**Ad-hoc reviewer for:**

*American Educational Research Journal*  
*British Journal of Educational Psychology*  
*Canadian Journal of School Psychology*  
*Clinical Psychology Review*  
*Educational Assessment*  
*European Journal of Psychology of Education*  
*High Ability Studies*  
*History of Psychology*  
*Journal of Adolescence*  
*Journal of Applied School Psychology*  
*Journal of Attention Disorders*  
*Journal of Behavioral Education*  
*Journal of Business Ethics*  
*Journal of Child and Family Studies*  
*Journal of Learning Disabilities*  
*Journal of School Psychology*  
*Journal of Social and Clinical Psychology*  
*Neuropsychology*  
*Psychological Science*  
*Research in Developmental Disabilities*  
*Research in Social and Administrative Pharmacy*  
*Roeper Review*  
*School Psychology Review*  
*Sociology Compass*

**Textbook reviewer/consultant for:**

McGraw-Hill Higher Education  
Sage Publications  
John Wiley Publishers  
Worth Publishers  
*Choice* (academic library acquisitions service)

**Service to the Profession:**

Conference proposal reviewer, New York Association of School Psychologists (2006)

Assessment Consultant, ARC of Chemung County, NY (2007 - 2014)

Grant Reviewer, Netherlands Organisation for Scientific Research, (2014)

Grant Reviewer, Michigan State University (2016)

**Institutional Service:**

At SUNY Cortland (2014-)

Chair, Psychology Department Personnel Committee (2018 - )  
Chair, Committee on Teaching Effectiveness (2018 - )  
FDC Mentor to Haiyan Zhang (2017-2018)  
Psychology Club Advisor (2016-2018)  
Member, College Writing Committee (2017 - 2018)  
Chair, Educational Psychology Faculty Search Committee (2017 - 2018)  
Psychology Department Assessment Committee (2016 - 2017)  
Sherlach Scholarship Award Committee (2016 - )  
Psychology Department Curriculum Committee (2014 - 2016)  
Efficiencies Advisory Committee (2016)  
FDC Mentor to Dr. Katherine Bonafide (2015-2016)  
Psychology Department Writing-Intensive Course Committee (2015 - )  
Psychology of Children with Exceptionalities Committee (2014 - )  
Chair, Clinical Psychology Faculty Search Committee (2014 - 2015)  
Member, Applied Psychology Faculty Search Committee (2014)  
Ad Hoc Committee on the 25<sup>th</sup> Anniversary of the ADA (2014 - 2015)

At Elmira College (2007-2014)

Co-Advisor, Elmira College Chapter of Psi Chi (2009 - 2010)  
Co-Chair, Human Research Review Board, Elmira College (2008 - 2014)  
Teacher Education Advisory Group, Elmira College (2007 - 2009)  
Faculty Development Committee, Elmira College (2008 - 2010; Chair, 2009 - 2010)  
Academic Assessment Committee, Elmira College (2008 - 2011)  
Advising Committee, Elmira College (2012 – 2014)  
Psychology Faculty Search Committee, Internal Member (2008 - 2009)  
Nursing Faculty Search Committees, Outside Member (2010, 2012, 2013)  
Criminal Justice Search Committee, Outside Member (2012)  
Education (Literacy) Search Committee, Outside Member (2012)  
Reviewer of Tenure-Track Faculty:  
    2008-2009 – Dr. Megan Kennedy, 1<sup>st</sup> year review  
    2009-2010 – Dr. Christopher Terry, 1<sup>st</sup> year review  
    2010-2011 – Dr. Lauren Shaw, 3<sup>rd</sup> year review  
    2013-2014 – Dr. Mark Pinter, 3<sup>rd</sup> year review

**Awards, Grants, and Honors:**

At SUNY Cortland (2014-)

Fine Teaching Development Award, 2017  
Faculty Development Center Small Grant, 2014, 2016  
Teaching Innovation Grant, 2015  
College Assessment Committee Grant, 2015  
UUP Individual Development Award Grant, 2016



At Elmira College (2007-2014)

Summer Faculty Development Research Grant, 2009, 2010, 2011, 2012  
Honorary Inductee (student-elected), Phi Eta Sigma National Honor Society, 2009  
Psi Chi Faculty Advisor Research Grant, 2010  
Journal of School Psychology Editorial Appreciation Award, 2013  
Joseph Stein Junior Faculty Prize, 2013

At Syracuse University (Ph.D. student, 2002-2007)

University Fellowship Award, 2002-2003 and 2005-2006  
Psychology Department Allport Research Grant, 2004, 2005  
College of Arts and Sciences Creative Project Award, 2005  
Syracuse University Outstanding Teaching Award, 2005

At the Pennsylvania State University (undergraduate student, 1998-2002)

Induction into Psi Chi, National Honor Society for Psychology, 2000  
3<sup>rd</sup> Place Prize, Social Science Division, Undergraduate Research Fair, 2001  
Induction into Phi Beta Kappa, 2002



**TAB B**

### Review of Accommodation Request

**Applicant Name:** Jessica Ramsay

**Date of Birth:**

**Date of Review:** December 25, 2018

**Reviewer:** Benjamin J. Lovett, Ph.D.

This review concerns Jessica Ramsay, who has requested accommodations on Step 1 of the USMLE, on the basis of ADHD, learning disabilities in reading and writing, migraine headaches, and a clotting disorder. Based on prior requests, the NBME has already granted her additional break time over a two-day test administration, a private room, and permission to read aloud to herself. However, she is continuing to also request 100% extended time. She has a history of formal accommodations in medical school and part of college, but not on admissions tests such as the ACT and MCAT. She claims to have received informal accommodations in her K-12 schooling.

I have now reviewed the following documents in Ms. Ramsay's file:

- Completed application forms and personal statements
- Records showing eligibility for accommodations in medical school and in part of college
- A completed verification form for ADHD, used by her college disability services office
- Other documents from applications for accommodations in medical school and college
- Transcripts from high school and college, and a record of performance in medical school
- A signed affirmation of qualifications for the medical school program
- Score reports from NBME exams taken during medical school, including the Step 1 exam
- A score report from the MCAT
- Materials from a 1997 perceptual skills evaluation, including follow-up notes
- Correspondence (letters and e-mails) between Ms. Ramsay and NBME
- Reports from diagnostic evaluations conducted in 2014, 2017, and 2018, along with addenda and information about evaluator credentials
- Letters from an attorney representing Ms. Ramsay
- Letters from a medical school administrator, a primary care provider who also served as a medical school instructor/mentor, and a psychiatry department faculty member at her medical school

Briefly, I believe that there is insufficient evidence to support the diagnoses of learning disabilities or ADHD, or to support any accommodations based on these disorders. I will not comment on Ms. Ramsay's reported diagnoses of headaches and a clotting disorder, due to inadequate specific expertise on these points.

1. Without any accommodations, Ms. Ramsay obtained MCAT scores that were in the average range or above, relative to a group (i.e., medical school applicants) that is already well above average in academic skills, compared to the general population. Similarly, Ms. Ramsay reportedly obtained ACT scores well above the average range (between 27 and 30) without accommodations. She reports an unusual explanation for these scores: that she didn't read a significant amount of the text on these tests, answering the questions without reading the information that the questions were based on. But this does

not make sense. It is common (typical, even) for students to read test questions and answer options first and then search for relevant information in a passage. But this still involves a significant amount of reading under time-pressured conditions. And without such reading, it is often impossible to answer questions. For instance, Ms. Ramsay performed better than most medical school applicants on the MCAT Verbal Reasoning section, a test of timed reading comprehension. It is my understanding that the test items on this section generally asked for students to identify themes, perspectives, and arguments from a passage, meaning that there is no way to find the correct answer without referencing the passage. I am extremely skeptical that Ms. Ramsay possesses a special way of answering ACT and MCAT items without actually reading relevant text, and it is disappointing that her credulous advocates have accepted her explanation.

2. Learning disabilities and ADHD would be expected to cause very significant problems in childhood. No records have been submitted to NBME showing difficulties at school, and even one of Ms. Ramsay's firmest advocates, her recent evaluator Dr. Robert Smith, has had to admit that "the available school records do not clearly reflect academic struggles in elementary, middle, or high school." Ms. Ramsay and her advocates attempt to explain this away by claiming that she received informal accommodations some of the time at school and a great deal of specialized help provided via the family. Of course, there are no records of any of this, and it is not clear how often informal accommodations were provided. Interestingly, I note that before receiving accommodations in college, Ms. Ramsay's letter grades were entirely in the A and B ranges, and she does not appear to be claiming to have received informal accommodations at her large public university. Beyond academic problems, I would expect someone with untreated ADHD to exhibit quite significant impairment in social and everyday life settings as a child. Ms. Ramsay claims such impairment, and during evaluations completed to secure accommodations, her mother has now recalled such impairment, but I am skeptical. If the impairment were half as significant as is now being claimed, why is there no record of such impairment being discussed with a physician or a mental health practitioner during childhood? When Ms. Ramsay was a child in the 1990s, ADHD was a well-known condition; it seems more than a bit odd that her mother (who reportedly has a graduate degree in education) did not consult professionals (at least as documented). In short, there is no evidence of real-world below-average functioning prior to accommodations being provided, and the explanations provided by Ms. Ramsay and her advocates are evasive and unpersuasive.
3. Ms. Ramsay had gone to diagnostic evaluations in 2014 and 2017, and all of her academic skills scores during these evaluations were in the average range or above. However, the evaluators conducting these evaluations did not perform a comprehensive assessment of her academic skills, and specifically they did not really evaluate her academic skills under time-pressured conditions. After her request for extended time accommodations was twice denied by NBME, and she was likely under a great deal of pressure to pass Step 1 to move ahead in medical school (she was represented by an attorney by this point as well), she completed a final diagnostic evaluation with Dr. Robert Smith. During this evaluation, she was given several measures of academic skills that were time-pressured, and her performance was uniformly poor. Many of her scores suggested skills at the level of children in elementary and middle school, placing her

skills in the bottom 5% of the population. These scores are simply not credible, especially considering her average and above average scores on tests like the ACT and MCAT and her good grades in college before accommodations were provided. For instance, on the timed reading comprehension task from the Nelson-Denny Reading Test (NDRT), her score was at the 2<sup>nd</sup> percentile, at the estimated level of a child in eighth grade. But on the MCAT verbal reasoning section, which has an almost identical format, her performance was at the 67<sup>th</sup> percentile *compared to other medical school applicants*. That Dr. Smith took the NDRT score as valid suggests that he is inappropriately credulous. It is remarkable that he would claim that on the MCAT, Ms. Ramsay can employ special strategies to do well, but on a diagnostic test developed to be accessible to ninth grade students, she apparently cannot.<sup>1</sup> The 2018 diagnostic testing data regarding Ms. Ramsay's academic skills under timed conditions simply cannot be trusted; they are severely undermined by her real-world performance.

4. Another discrepancy between real-world performance (at least as shown by objective records) and diagnostic testing is present with regard to ADHD symptoms. During the 2018 diagnostic evaluation, conducted to help secure extended time accommodations after two denials and likely a great deal of pressure, Ms. Ramsay endorsed having almost every symptom of ADHD (far more than most adults with ADHD would endorse!), and her mother and fiancé also described her as having many, many symptoms, well above the clinical thresholds for the disorder. In addition, on a computerized test of ADHD symptoms, her performance in Dr. Smith's evaluation was extremely poor, again much worse than would be expected even for most individuals with ADHD. Interestingly, on a very similar test the previous year, when she was not under as much pressure to secure accommodations, she did well; Dr. Smith never addresses this discrepancy, which would further undermine the results of his evaluation. And again, there are no objective records attesting to significant ADHD symptoms or impairment in real-world settings at any point in Ms. Ramsay's life.
5. Dr. Smith argues that the data that Ms. Ramsay provided during his evaluation of her can be trusted because she performed well on the Test of Memory Malingering (TOMM). The TOMM was developed to identify people feigning *memory* problems, not to identify people working slowly on academic tests or reporting more ADHD symptoms than they actually have. Dr. Smith's apparent misunderstanding of the TOMM has led him to be far too credulous of Ms. Ramsay's evaluation data, especially given the stark contrasts between her real-world performance and her performance during the evaluation.

To summarize Ms. Ramsay's documentation with regard to learning disabilities and ADHD, (a) there is no objective evidence of poor academic skills or significant ADHD symptoms and impairment in real-world settings where most people in the general population are expected to do

<sup>1</sup> The contrast between the NDRT comprehension task and the MCAT verbal reasoning section is especially interesting because the *former* has been criticized for containing items that are easy to answer without reading the passages. In an experimental study, college students were able to often answer many items correctly when they were not even given the passages to read! See Coleman, C., Lindstrom, J., Nelson, J., Lindstrom, W., & Gregg, K. N. (2010). Passageless comprehension on the Nelson-Denny Reading Test: Well above chance for university students. *Journal of Learning Disabilities*, 43(3), 244-249. If there is any test where Ms. Ramsay should have been able to do very well, *at least when she is trying to do well*, it is the Nelson-Denny comprehension task.

well, (b) Ms. Ramsay and her advocates attempt to explain away her good real-world performance using unpersuasive arguments, (c) the data from her 2018 diagnostic evaluation are not credible, (d) her 2017 and 2014 diagnostic evaluations did not involve the collection of sufficient data to justify any diagnoses, and (e) her ACT and MCAT performance suggests an ability to access tests without accommodations, at least based on neurodevelopmental disorders such as ADHD and learning disabilities which would have been present by the time that those tests were taken. Again, let me note that my analysis does not consider the reported problems with headaches and a clotting disorder.

Benjamin J. Lovett, Ph.D.